

**SB3568**



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**SB3568**

Introduced 2/14/2014, by Sen. Daniel Biss

**SYNOPSIS AS INTRODUCED:**

10 ILCS 5/7-2  
10 ILCS 5/10-2

from Ch. 46, par. 7-2  
from Ch. 46, par. 10-2

Amends the Election Code. Provides that the classification as established political parties applies to the State and any congressional district, county, township, sanitary district, and judicial office. Effective immediately.

LRB098 17891 MGM 53015 b

**A BILL FOR**

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Sections 7-2 and 10-2 as follows:

6 (10 ILCS 5/7-2) (from Ch. 46, par. 7-2)

7 Sec. 7-2. A political party, which at the general election  
8 for State and county officers then next preceding a primary,  
9 polled more than 5% ~~5 per cent~~ of the entire vote cast in the  
10 State, is hereby declared to be a political party within the  
11 State, and shall nominate all State, congressional, county,  
12 township, sanitary district, and judicial candidates provided  
13 for in this Article 7 under the provisions hereof, and shall  
14 elect precinct, township, ward and State central committeemen  
15 as herein provided.

16 A political party, which at the general election for State  
17 and county officers then next preceding a primary, cast more  
18 than 5 per cent of the entire vote cast within any  
19 congressional district, is hereby declared to be a political  
20 party within the meaning of this Article, within such  
21 congressional district, and shall nominate its candidate for  
22 Representative in Congress, under the provisions hereof. A  
23 political party, which at the general election for State and

1 county officers then next preceding a primary, cast more than 5  
2 per cent of the entire vote cast in any county, is hereby  
3 declared to be a political party within the meaning of this  
4 Article, within said county, and shall nominate all county  
5 officers in said county under the provisions hereof, and shall  
6 elect precinct, township, and ward committeemen, as herein  
7 provided;

8 A political party, which at the municipal election for  
9 city, village or incorporated town officers then next preceding  
10 a primary, cast more than 5 per cent of the entire vote cast in  
11 any city or village, or incorporated town is hereby declared to  
12 be a political party within the meaning of this Article, within  
13 said city, village or incorporated town, and shall nominate all  
14 city, village or incorporated town officers in said city or  
15 village or incorporated town under the provisions hereof to the  
16 extent and in the cases provided in Section 7-1.

17 A political party, which at the municipal election for town  
18 officers then next preceding a primary, cast more than 5 per  
19 cent of the entire vote cast in said town, is hereby declared  
20 to be a political party within the meaning of this Article,  
21 within said town, and shall nominate all town officers in said  
22 town under the provisions hereof to the extent and in the cases  
23 provided in Section 7-1.

24 A political party, which at the municipal election in any  
25 other municipality or political subdivision, (except townships  
26 and school districts), for municipal or other officers therein

1 then next preceding a primary, cast more than 5 per cent of the  
2 entire vote cast in such municipality or political subdivision,  
3 is hereby declared to be a political party within the meaning  
4 of this Article, within said municipality or political  
5 subdivision, and shall nominate all municipal or other officers  
6 therein under the provisions hereof to the extent and in the  
7 cases provided in Section 7-1.

8        Provided, that no political organization or group shall be  
9 qualified as a political party hereunder, or given a place on a  
10 ballot, which organization or group is associated, directly or  
11 indirectly, with Communist, Fascist, Nazi or other un-American  
12 principles and engages in activities or propaganda designed to  
13 teach subservience to the political principles and ideals of  
14 foreign nations or the overthrow by violence of the established  
15 constitutional form of government of the United States and the  
16 State of Illinois.

17 (Source: Laws 1943, vol. 2, p. 1.)

18        (10 ILCS 5/10-2) (from Ch. 46, par. 10-2)

19        Sec. 10-2. The term "political party", as hereinafter used  
20 in this Article 10, shall mean any "established political  
21 party", as hereinafter defined and shall also mean any  
22 political group which shall hereafter undertake to form an  
23 established political party in the manner provided for in this  
24 Article 10: Provided, that no political organization or group  
25 shall be qualified as a political party hereunder, or given a

1 place on a ballot, which organization or group is associated,  
2 directly or indirectly, with Communist, Fascist, Nazi or other  
3 un-American principles and engages in activities or propaganda  
4 designed to teach subservience to the political principles and  
5 ideals of foreign nations or the overthrow by violence of the  
6 established constitutional form of government of the United  
7 States and the State of Illinois.

8 A political party which, at the last general election for  
9 State and county officers, polled for its candidate for  
10 Governor more than 5% of the entire vote cast for Governor, is  
11 hereby declared to be an "established political party" as to  
12 the State and any congressional district, county, township,  
13 sanitary district, and judicial office ~~as to any district or~~  
14 ~~political subdivision thereof.~~

15 A political party which, at the last election in any  
16 congressional district, legislative district, county,  
17 township, municipality or other political subdivision or  
18 district in the State, polled more than 5% of the entire vote  
19 cast within such territorial area or political subdivision, as  
20 the case may be, has voted as a unit for the election of  
21 officers to serve the respective territorial area of such  
22 district or political subdivision, is hereby declared to be an  
23 "established political party" within the meaning of this  
24 Article as to such district or political subdivision.

25 Any group of persons hereafter desiring to form a new  
26 political party throughout the State, or in any congressional,

1 legislative or judicial district, or in any other district or  
2 in any political subdivision (other than a municipality) not  
3 entirely within a single county, shall file with the State  
4 Board of Elections a petition, as hereinafter provided; and any  
5 such group of persons hereafter desiring to form a new  
6 political party within any county shall file such petition with  
7 the county clerk; and any such group of persons hereafter  
8 desiring to form a new political party within any municipality  
9 or township or within any district of a unit of local  
10 government other than a county shall file such petition with  
11 the local election official or Board of Election Commissioners  
12 of such municipality, township or other unit of local  
13 government, as the case may be. Any such petition for the  
14 formation of a new political party throughout the State, or in  
15 any such district or political subdivision, as the case may be,  
16 shall declare as concisely as may be the intention of the  
17 signers thereof to form such new political party in the State,  
18 or in such district or political subdivision; shall state in  
19 not more than 5 words the name of such new political party;  
20 shall at the time of filing contain a complete list of  
21 candidates of such party for all offices to be filled in the  
22 State, or such district or political subdivision as the case  
23 may be, at the next ensuing election then to be held; and, if  
24 such new political party shall be formed for the entire State,  
25 shall be signed by 1% of the number of voters who voted at the  
26 next preceding Statewide general election or 25,000 qualified

1 voters, whichever is less. If such new political party shall be  
2 formed for any district or political subdivision less than the  
3 entire State, such petition shall be signed by qualified voters  
4 equaling in number not less than 5% of the number of voters who  
5 voted at the next preceding regular election in such district  
6 or political subdivision in which such district or political  
7 subdivision voted as a unit for the election of officers to  
8 serve its respective territorial area. However, whenever the  
9 minimum signature requirement for a district or political  
10 subdivision new political party petition shall exceed the  
11 minimum number of signatures for State-wide new political party  
12 petitions at the next preceding State-wide general election,  
13 such State-wide petition signature requirement shall be the  
14 minimum for such district or political subdivision new  
15 political party petition.

16 For the first election following a redistricting of  
17 congressional districts, a petition to form a new political  
18 party in a congressional district shall be signed by at least  
19 5,000 qualified voters of the congressional district. For the  
20 first election following a redistricting of legislative  
21 districts, a petition to form a new political party in a  
22 legislative district shall be signed by at least 3,000  
23 qualified voters of the legislative district. For the first  
24 election following a redistricting of representative  
25 districts, a petition to form a new political party in a  
26 representative district shall be signed by at least 1,500

1 qualified voters of the representative district.

2 For the first election following redistricting of county  
3 board districts, or of municipal wards or districts, or for the  
4 first election following the initial establishment of such  
5 districts or wards in a county or municipality, a petition to  
6 form a new political party in a county board district or in a  
7 municipal ward or district shall be signed by qualified voters  
8 of the district or ward equal to not less than 5% of the total  
9 number of votes cast at the preceding general or municipal  
10 election, as the case may be, for the county or municipal  
11 office voted on throughout the county or municipality for which  
12 the greatest total number of votes were cast for all  
13 candidates, divided by the number of districts or wards, but in  
14 any event not less than 25 qualified voters of the district or  
15 ward.

16 In the case of a petition to form a new political party  
17 within a political subdivision in which officers are to be  
18 elected from districts and at-large, such petition shall  
19 consist of separate components for each district from which an  
20 officer is to be elected. Each component shall be circulated  
21 only within a district of the political subdivision and signed  
22 only by qualified electors who are residents of such district.  
23 Each sheet of such petition must contain a complete list of the  
24 names of the candidates of the party for all offices to be  
25 filled in the political subdivision at large, but the sheets  
26 comprising each component shall also contain the names of those

1 candidates to be elected from the particular district. Each  
2 component of the petition for each district from which an  
3 officer is to be elected must be signed by qualified voters of  
4 the district equalling in number not less than 5% of the number  
5 of voters who voted at the next preceding regular election in  
6 such district at which an officer was elected to serve the  
7 district. The entire petition, including all components, must  
8 be signed by a total of qualified voters of the entire  
9 political subdivision equalling in number not less than 5% of  
10 the number of voters who voted at the next preceding regular  
11 election in such political subdivision at which an officer was  
12 elected to serve the political subdivision at large.

13 The filing of such petition shall constitute the political  
14 group a new political party, for the purpose only of placing  
15 upon the ballot at such next ensuing election such list or an  
16 adjusted list in accordance with Section 10-11, of party  
17 candidates for offices to be voted for throughout the State, or  
18 for offices to be voted for in such district or political  
19 subdivision less than the State, as the case may be, under the  
20 name of and as the candidates of such new political party.

21 If, at such ensuing election, the new political party's  
22 candidate for Governor shall receive more than 5% of the entire  
23 votes cast for Governor, then such new political party shall  
24 become an "established political party" as to the State and any  
25 congressional district, county, township, sanitary district,  
26 and judicial office ~~as to every district or political~~

1 ~~subdivision thereof~~. If, at such ensuing election, the other  
2 candidates of the new political party, or any other candidate  
3 or candidates of the new political party shall receive more  
4 than 5% of all the votes cast for the office or offices for  
5 which they were candidates at such election, in the State, or  
6 in any district or political subdivision, as the case may be,  
7 then and in that event, such new political party shall become  
8 an "established political party" within the State or within  
9 such district or political subdivision less than the State, as  
10 the case may be, in which such candidate or candidates received  
11 more than 5% of the votes cast for the office or offices for  
12 which they were candidates. It shall thereafter nominate its  
13 candidates for public offices to be filled in the State, or  
14 such district or political subdivision, as the case may be,  
15 under the provisions of the laws regulating the nomination of  
16 candidates of established political parties at primary  
17 elections and political party conventions, as now or hereafter  
18 in force.

19 A political party which continues to receive for its  
20 candidate for Governor more than 5% of the entire vote cast for  
21 Governor, shall remain an "established political party" as to  
22 the State and any congressional district, county, township,  
23 sanitary district, and judicial office ~~as to every district or~~  
24 ~~political subdivision thereof~~. But if the political party's  
25 candidate for Governor fails to receive more than 5% of the  
26 entire vote cast for Governor, or if the political party does

1 not nominate a candidate for Governor, the political party  
2 shall remain an "established political party" within the State  
3 or within such district or political subdivision less than the  
4 State, as the case may be, only so long as, and only in those  
5 districts or political subdivisions in which, the candidates of  
6 that political party, or any candidate or candidates of that  
7 political party, continue to receive more than 5% of all the  
8 votes cast for the office or offices for which they were  
9 candidates at succeeding general or consolidated elections  
10 within the State or within any district or political  
11 subdivision, as the case may be.

12 Any such petition shall be filed at the same time and shall  
13 be subject to the same requirements and to the same provisions  
14 in respect to objections thereto and to any hearing or hearings  
15 upon such objections that are hereinafter in this Article 10  
16 contained in regard to the nomination of any other candidate or  
17 candidates by petition. If any such new political party shall  
18 become an "established political party" in the manner herein  
19 provided, the candidate or candidates of such new political  
20 party nominated by the petition hereinabove referred to for  
21 such initial election, shall have power to select any such  
22 party committeeman or committeemen as shall be necessary for  
23 the creation of a provisional party organization and  
24 provisional managing committee or committees for such party  
25 within the State, or in any district or political subdivision  
26 in which the new political party has become established; and

1 the party committeeman or committeemen so selected shall  
2 constitute a provisional party organization for the new  
3 political party and shall have and exercise the powers  
4 conferred by law upon any party committeeman or committeemen to  
5 manage and control the affairs of such new political party  
6 until the next ensuing primary election at which the new  
7 political party shall be entitled to nominate and elect any  
8 party committeeman or committeemen in the State, or in such  
9 district or political subdivision under any parts of this Act  
10 relating to the organization of political parties.

11 A candidate for whom a nomination paper has been filed as a  
12 partisan candidate at a primary election, and who is defeated  
13 for his or her nomination at the primary election, is  
14 ineligible for nomination as a candidate of a new political  
15 party for election in that general election.

16 (Source: P.A. 86-875.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.